

Appln No. 09/866,546

Amdt date September 22, 2004

Reply to Office action of June 22, 2004

REMARKS/ARGUMENTS

In the Office action dated June 22, 2004, claims 3 - 8 were rejected under 35 U.S.C. § 112 and claims 1 - 8 were rejected under 35 U.S.C. § 103. The above identified patent application has been amended and reconsideration and reexamination are hereby requested. Applicant has added claims 9 - 20. Claims 1 - 20 are now pending in the application.

Oath/Declaration

The Office action noted that the executed Declaration that was attached to Applicant's Response to the Notice of Missing Parts could not be found. A copy of the executed Declaration is provided in the Appendix.

Response to the Rejection of Claims 3 - 8 Under 35 U.S.C. § 112.

Claims 3 - 8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office action stated that the terms "Bluetooth" and "HomeRF" in claims 3 - 8 are trademarks or trade names that are used to identify/describe different types of operating systems and software application. In addition, the Office action stated that the use of the term "802.11b" in claims 6 - 8 create an indefinite situation on the grounds that standards are always subject to interpretations and are constantly being updated.

Applicant respectfully traverses this rejection because the application including the claims is to be interpreted by one

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skilled in the art and such a person would understand the scope of the claims in their present form. Bluetooth, HomeRF and 801.11b are well known standards for wireless networks. One skilled in the art would know the details of these standards and how to implement a system that operates within the prescribed specifications.

For example, claims 3, 4, 6 and 7 includes "performing . . . network scans," "selecting a . . . network," and "establishing a connection with a . . . network." Claims 4 and 7 include "notifying a user of availability of a . . . network." Claims 5 and 8 include "using common radio circuitry for communications to . . . networks." One skilled in the art would know based on, for example, the disclosure and the corresponding standard, how to perform these tasks. Moreover, one skilled in the art would know that the claims are limited to performing these tasks in a manner that operates with the designated network. Accordingly, Applicant submits that the scope of these claims is sufficiently definite under section 112.

Response to the Rejection of the Claims Under 35 U.S.C. § 103

Claims 1 - 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nevo et al., U.S. Patent No. 6,600,726 ("Nevo"). Claims 4 - 5 and 7 - 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nevo in view of Hollstrom et al., U.S. Patent Application Publication No. 2001/0056502 ("Hollstrom").

All of these rejections are based, in part, on the Office's contention that it would have been obvious in view of Nevo to

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"sequentially attempt to determine whether communications may be established with at least one of a plurality of wireless network devices" or "sequentially performing . . . network scans."

Applicant respectfully traverses the rejections under section 103 on the grounds that it would not have been obvious to modify Nevo as suggested by the Office because Nevo teaches away from the claimed invention. Nevo discloses techniques that may be used during simultaneous communication with two networks. See, for example, Nevo at column 4, lines 13 - 15 ("Accordingly, wireless device 100 is able to operate with devices 104a and 104b of networks 108a and 108b in two wireless protocols at the same time"). To accomplish this, Nevo teaches that interference between these devices must be avoided through the use of filtering and dominant/dominated device techniques. Accordingly, one skilled in the art would not have been motivated upon consideration of Nevo to modify Nevo to incorporate the claimed sequential operations since Nevo teaches that simultaneous operations are used.

Moreover, the cited references say nothing that would suggest any need for or advantages of performing sequential network scans or sequentially determining whether communications may be established with a network. Accordingly, Applicant respectfully submits that the claims are not obvious in view of the cited references.

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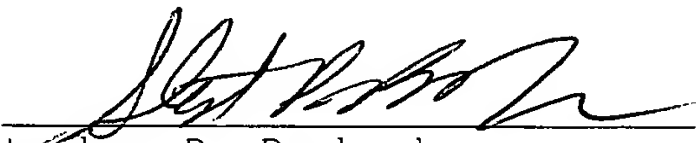
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SUMMARY

For the foregoing reasons Applicant submits that the claims are patentable over the references of record. Reexamination and reconsideration are respectfully requested.

Respectfully submitted,
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